

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS CORPORATION, formerly known as
VIACOM, INC.,

Plaintiff,

v.

EATON CORPORATION,

Defendant.

Civil Action No. 07 CV 11344 (LBS)

**NOTICE OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE***

FILED
JAN 30 2008
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

*Fee paid \$100
E 633912*

PLEASE TAKE NOTICE that, upon the Affidavit of Paul E. Svensson submitted herewith and the accompanying Declarations of Frederick W. Bode, III, Steven W. Zoffer, Kristen Hock Prex and David D. McKenery, Jr., the undersigned will move this Court before the Honorable Leonard B. Sand at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an order, pursuant to Rule 1.3(c) of the Local Civil Rules of the Southern District of New York, admitting Frederick W. Bode, III, Steven W. Zoffer, Kristen Hock Prex and David D. McKenery, Jr. *pro hac vice*.

Dated: New York, New York
January, 29, 2008

Respectfully submitted,

HODGES WALSH & SLATER LLP
Attorneys for plaintiff CBS Corporation

By: _____

Paul E. Svensson

Paul E. Svensson (3403)
55 Church Street, Suite 211
White Plains, NY 10601
Telephone: 914-385-6000
Facsimile: 914-385-6060

TO:

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Two Prudential Plaza
180 North Stetson Avenue, Suite 3700
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS CORPORATION, formerly known as
VIACOM, INC.,

Plaintiff,

v.

EATON CORPORATION,

Defendant.

Civil Action No. 07 CV 11344 (LBS)

**AFFIDAVIT IN SUPPORT
OF MOTION TO ADMIT
FREDERICK W. BODE, III, STEVEN W.
ZOFFER, KRISTEN HOCK PREX
AND DAVID D. MCKENERY, JR.
*PRO HAC VICE***

STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

PAUL E. SVENSSON, being duly sworn, deposes and says:

1. I am a member of the firm of Hodges Walsh & Slater LLP, counsel for plaintiff CBS Corporation. I submit this affidavit in support of the motion, pursuant to Rule 1.3(c) of the Local Civil Rules of this Court, for an Order granting Frederick W. Bode, III, Steven W. Zoffer, Kristen Hock Prex and David D. McKenery, Jr. admission *pro hac vice* to the bar of the United States District Court for the Southern District of New York in order to argue and try the above captioned case.

2. I am a member in good standing of the bar of this Court.

3. Mr. Bode is a member of Dickie, McCamey & Chilcote, P.C. with an address of Two PPG Place, Suite 400, Pittsburgh, PA 15222. Mr. Bode is a member in good standing and eligible to practice in the Commonwealth of Pennsylvania.

4. Mr. Zoffer is a member of Dickie, McCamey & Chilcote, P.C. with an address of Two PPG Place, Suite 400, Pittsburgh, PA 15222. Mr. Zoffer is a member in good standing and eligible to practice in the Commonwealth of Pennsylvania.

5. Ms. Prex is a member of Dickie, McCamey & Chilcote, P.C. with an address of Two PPG Place, Suite 400, Pittsburgh, PA 15222. Ms. Prex is a member in good standing and eligible to practice in the Commonwealth of Pennsylvania.

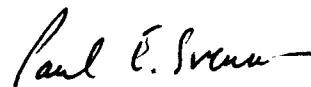
6. Mr. McKenery is a member of Dickie, McCamey & Chilcote, P.C. with an address of Two PPG Place, Suite 400, Pittsburgh, PA 15222. Mr. McKenery is a member in good standing and eligible to practice in the Commonwealth of Pennsylvania.

7. I have reviewed the Declarations of Frederick W. Bode, III, Steven W. Zoffer, Kristen Hock Prex and David D. McKenery, Jr. in support of the motion for admission *pro hac vice* submitted herewith, and I believe that the declarations are true and correct. Mr. Bode, Mr. Zoffer, Ms. Prex and Mr. McKenery are experienced in Federal practice and are familiar with the Federal Rules of Civil Procedure and the facts of this case.

8. I have found that Mr. Bode, Mr. Zoffer, Ms. Prex and Mr. McKenery to be persons of integrity and of high moral character.

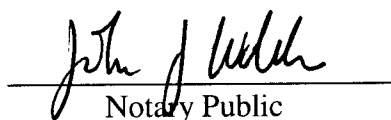
9. Accordingly, I am pleased to move the admission of Frederick W. Bode, III, Steven W. Zoffer, Kristen Hock Prex and David D. McKenery, Jr., *pro hac vice*.

10. I respectfully submit a proposed order, a copy of which is attached hereto, granting the admission of Frederick W. Bode, III, Steven W. Zoffer, Kristen Hock Prex and David D. McKenery, Jr., *pro hac vice*.



PAUL E. SVENSSON (3403)

Sworn to before me this
29th day of January, 2008.


Notary Public

JOHN J. WALSH
Notary Public, State of New York
No. 4827450
Qualified in Orange County
Commission Expires May 31, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS CORPORATION, formerly known as
VIACOM, INC.,

Plaintiff,

Civil Action No. 07 CV 11344 (LBS)

v.

**DECLARATION OF
KRISTEN HOCK PREX**

EATON CORPORATION,

Defendant.

KRISTEN HOCK PREX, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am an associate in the law firm Dickie, McCamey & Chilcote, P.C., located at Two PPG Place, Suite 400, Pittsburgh, Pennsylvania 15222.
2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above captioned matter. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member of good standing in the Commonwealth of Pennsylvania.
3. There are no pending disciplinary proceedings against me in any State or Federal court.
4. I respectfully request that I be permitted to appear as counsel for CBS Corporation and advocate *pro hac vice* in the above captioned case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 25th day of January, in Pittsburgh, Pennsylvania.


KRISTEN HOCK PREX



Supreme Court of Pennsylvania

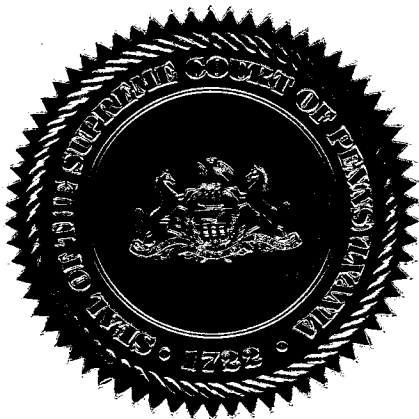
CERTIFICATE OF GOOD STANDING

Kristen Hock Prex, Esq.

DATE OF ADMISSION

October 11, 2000

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: January 28, 2008

A handwritten signature in cursive script, reading "Patricia A. Nicola".

Patricia A. Nicola
Chief Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS CORPORATION, formerly known as
VIACOM, INC.,

Civil Action No. 07 CV 11344 (LBS)

Plaintiff,

v.

**DECLARATION OF
DAVID D. MCKENERY, JR.**

EATON CORPORATION,

Defendant.

DAVID D. MCKENERY, JR., pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am an associate in the law firm Dickie, McCamey & Chilcote, P.C., located at Two PPG Place, Suite 400, Pittsburgh, Pennsylvania 15222.

2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above captioned matter. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member of good standing in the Commonwealth of Pennsylvania.

3. There are no pending disciplinary proceedings against me in any State or Federal court.

4. I respectfully request that I be permitted to appear as counsel for CBS Corporation and advocate *pro hac vice* in the above captioned case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 15 day of January, in Pittsburgh, Pennsylvania.



DAVID D. MCKENERY, JR.



Supreme Court of Pennsylvania

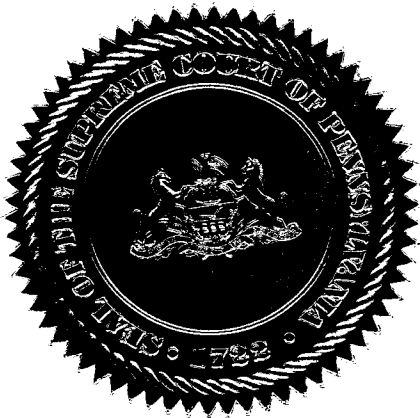
CERTIFICATE OF GOOD STANDING

David Douglas McKenery, Jr., Esq.

DATE OF ADMISSION

October 17, 2005

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: January 28, 2008

A handwritten signature in cursive script, reading "Patricia A. Nicola", written over a horizontal line.

Patricia A. Nicola
Chief Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS CORPORATION, formerly known as
VIACOM, INC.,

Plaintiff,

Civil Action No. 07 CV 11344 (LBS)

v.

**DECLARATION OF
STEVEN W. ZOFFER**

EATON CORPORATION,

Defendant.

STEVEN W. ZOFFER, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am a shareholder in the law firm Dickie, McCamey & Chilcote, P.C., located at Two PPG Place, Suite 400, Pittsburgh, Pennsylvania 15222.

2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above captioned matter. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member of good standing in the Commonwealth of Pennsylvania.

3. There are no pending disciplinary proceedings against me in any State or Federal court.

4. I respectfully request that I be permitted to appear as counsel for CBS Corporation and advocate *pro hac vice* in the above captioned case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 25th day of January, in Pittsburgh, Pennsylvania.



STEVEN W. ZOFFER



Supreme Court of Pennsylvania

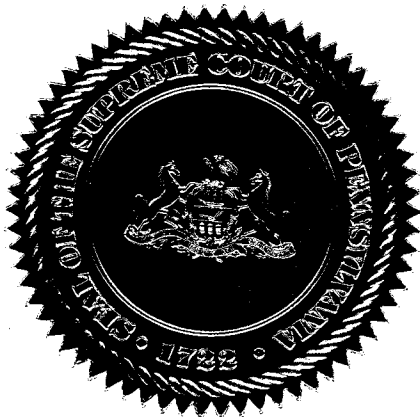
CERTIFICATE OF GOOD STANDING

Steven William Zoffer, Esq.

DATE OF ADMISSION

November 25, 1991

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: January 28, 2008

A handwritten signature in cursive script, reading "Patricia A. Nicola", written over a horizontal line.

Patricia A. Nicola
Chief Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS CORPORATION, formerly known as
VIACOM, INC.,

Civil Action No. 07 CV 11344 (LBS)

Plaintiff,

v.

**DECLARATION OF
FREDERICK W. BODE, III**

EATON CORPORATION,

Defendant.

FREDERICK W. BODE, III, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am a shareholder of the law firm Dickie, McCamey & Chilcote, P.C., located at Two PPG Place, Suite 400, Pittsburgh, Pennsylvania 15222.
2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above captioned matter. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member of good standing in the Commonwealth of Pennsylvania.
3. There are no pending disciplinary proceedings against me in any State or Federal court.
4. I respectfully request that I be permitted to appear as counsel for CBS Corporation and advocate *pro hac vice* in the above captioned case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this ____ day of January, in Pittsburgh, Pennsylvania.



FREDERICK W. BODE, III



Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

Frederick William Bode, III, Esq.

DATE OF ADMISSION

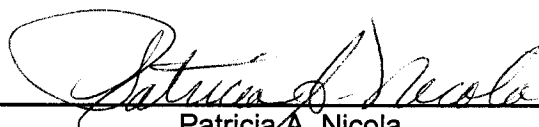
December 17, 1980

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: January 28, 2008


Patricia A. Nicola
Chief Clerk

STATE OF NEW YORK)
 SS.:)
COUNTY OF WESTCHESTER)

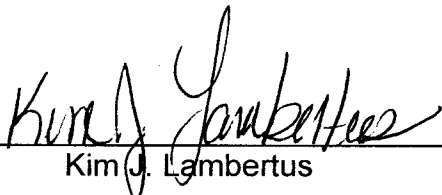
KIM J. LAMBERTUS, being duly sworn, deposes and says:

I am employed by the law firm of HODGES, WALSH & SLATER, LLP, counsel for Defendant in the above action and I am over the age of 18 years and I am not a party to this action. On January 29, 2008 I served a true copy of the annexed ORDER FOR ADMISSION *PRO HAC VICE*, NOTICE OF MOTION TO ADMIT COUNSEL *PRO HAC VICE*, AFFIDAVITS IN SUPPORT OF MOTION and DECLARATIONS OF KRISTEN HOCK PREX, DECLARATION OF DAVID D. MCKENERY, JR., DECLARATION OF STEVEN W. ZOFFER and DECLARATION OF FREDERICK W. BODE, III in the following manner: by mailing same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York addressed to the last known address of all attorneys in this action as indicated below:

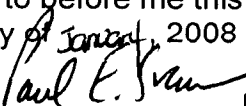
TO: Robert A. Adams
Katsky Korins LLP
605 Third Avenue
New York, NY 10158

Elizabeth M. Bradshaw
Dewey & LeBoeuf LLP
Two Prudential Plaza
180 North Stetson Avenue, Suite 3700
Chicago, IL 60601

Daniel Burstein
Dewey & LeBoeuf
Two Prudential Plaza
180 North Stetson Avenue, Suite 3700
Chicago, IL 60601



Kim J. Lambertus

Sworn to before me this **PAUL E. SVENSSON**
29th Day of January, 2008 **Notary Public - State of New York**
 No. 02SV6089565
 Qualified in Dutchess County
 My Commission Expires 03/24/2011


Notary Public

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS CORPORATION, formerly known as
VIACOM, INC.,

Plaintiff,

v.

EATON CORPORATION,

Defendant.

Civil Action No. 07 CV 11344 (LBS)

**ORDER FOR ADMISSION
*PRO HAC VICE***

Upon the motion of Paul E. Svensson, attorney for Plaintiff CBS Corporation, the Declarations of Frederick W. Bode, III, Steven W. Zoffer, Kristen Hock Prex and David D. McKenery, Jr. and the exhibits annexed thereto, in support of the application for admission *pro hac vice* pursuant to Local Civil Rule 1.3(c),

IT IS HEREBY ORDERED that

Applicant's Name:	Frederick W. Bode, III
Firm Name:	Dickie, McCamey & Chilcote, P.C.
Address:	Two PPG Place, Suite 400
City/State/Zip:	Pittsburgh, Pennsylvania 15222
Telephone:	412-281-7272
Fax:	412-392-5367
Email Address:	<u>rbode@dmclaw.com</u>

and

Applicant's Name:	Steven W. Zoffer
Firm Name:	Dickie, McCamey & Chilcote, P.C.
Address:	Two PPG Place, Suite 400
City/State/Zip:	Pittsburgh, Pennsylvania 15222
Telephone:	412-281-7272
Fax:	412-392-5367
Email Address:	<u>szoffer@dmclaw.com</u>

and

Applicant's Name: Kristen Hock Prex
Firm Name: Dickie, McCamey & Chilcote, P.C.
Address: Two PPG Place, Suite 400
City/State/Zip: Pittsburgh, Pennsylvania 15222
Telephone: 412-281-7272
Fax: 412-392-5367
Email Address: kprex@dmclaw.com

and

Applicant's Name: David D. McKenery, Jr.
Firm Name: Dickie, McCamey & Chilcote, P.C.
Address: Two PPG Place, Suite 400
City/State/Zip: Pittsburgh, Pennsylvania 15222
Telephone: 412-281-7272
Fax: 412-392-5367
Email Address: dmckenery@dmclaw.com

are admitted to practice *pro hac vice* as counsel for plaintiff CBS Corporation in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: New York, New York
January _____, 2008

United States District/Magistrate Judge